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Filing date: **07/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058517
Party	Plaintiff Caliber Corporation
Correspondence Address	JOSEPH T NABOR FITCH EVEN TABIN & FLANNERY LLP 120 S LASALLE STREET, SUITE 1600 CHICAGO, IL 60603-3406 UNITED STATES trademark@fitcheven.com, asimmons@fitcheven.com
Submission	Other Motions/Papers
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Date	07/02/2014
Attachments	9464-132266 Motion to Reinstate and Dismiss.pdf(133601 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Caliber Corporation,)	
)	
Petitioner,)	
)	
v.)	OPPOSITION NO. 92058517
)	
Bullets2Bandages LLC,)	
)	
Registrant.)	
)	
Registration No.: 4364453)	
Registration Date: July 9, 2013)	
Mark: CALIBER)	
)	


MOTION TO REINSTATE AND DISMISS

Caliber Corporation hereby moves for dismissal of this Cancellation. This proceeding was suspended by Order dated May 27, 2014, pending disposition of a related Civil Proceeding, Case No. 13-CV-3134-CAB (BLM) which was then pending in the U.S District Court for the Southern District of California. That Civil Action was dismissed by Court order dated June 13, 2014, which is attached hereto as *Exhibit A*. The dismissal of that Civil Action was premised on a settlement agreement between the parties. One of the provisions of the settlement was the assignment to the Petitioner of the Registration which is the basis for this cancellation. That Assignment has now been filed with the Patent and Trademark Office. A copy of that Assignment is attached as *Exhibit B*. Since that Petitioner in this action is now the owner of the subject Registration, it requests that the Petition be withdrawn and dismissed.

In view of the foregoing, it is respectfully requested that proceedings herein be reinstated and the Petition for Cancellation be dismissed as moot.

Respectfully submitted,

Dated: July 2, 2014



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Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION TO REINSTATE
AND DISMISS was served via electronic mail, by consent, upon:

Andrew D. Skale
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130

Attorneys for Registrant

on this 2nd day of July, 2014.

FITCH, EVEN, TABIN & FLANNERY LLP



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EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BULLETS2BANDAGES, LLC, a
California Limited Liability Company,

Plaintiff,

vs.

CALIBER CORPORATION, an
Illinois Corporation,

Defendant.

AND RELATED COUNTERCLAIMS

CASE NO. 13-cv-3134-CAB (BLM)

**ORDER GRANTING JOINT MOTION
TO DISMISS ACTION WITH
PREJUDICE**

[Doc. No. 24]

The court grants the parties' joint motion to dismiss. [Doc. No. 24.] This action is dismissed with prejudice in its entirety and as against all parties, including all claims and counterclaims, with each party to bear its own fees and costs of suit.

IT IS SO ORDERED.

DATED: June 13, 2014


CATHY ANN BENCIVENGO
United States District Judge

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUNE 27, 2014

PTAS

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RECORDATION DATE: 06/26/2014

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BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: 9464-132182

ASSIGNOR:
BULLETS2BANDAGES, LLC

DOC DATE: 06/09/2014
CITIZENSHIP: CALIFORNIA
ENTITY: LIMITED LIABILITY COMPANY

ASSIGNEE:
CALIBER CORPORATION

14 WINTERBERRY COURT
STREAMWOOD, ILLINOIS 60107

CITIZENSHIP: ILLINOIS
ENTITY: CORPORATION

SERIAL NUMBER: 85779434
REGISTRATION NUMBER: 4364453
MARK: CALIBER
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 11/14/2012
REGISTRATION DATE: 07/09/2013

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION